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### REMARKS

In the outstanding office action referenced above, the examiner has rejected claims 1-12 under 35 U.S.C. §102(b) as anticipated by the Andreozzi reference. However, Applicant has amended independent claims 1, 6 and 11 to change the language "at least one straw retaining member" to "a groove." In other words, the straw is disposed in a groove, at least part of its configuration is defined by the configuration of the groove, and the straw has a second drinking end which extends upwardly from the container so that liquid may be sipped while the straw is disposed in the groove. No such structure is taught by the Andreozzi reference, nor is there any suggestion in Andreozzi that the drink container disclosed therein be provided with a groove in its wall. Accordingly, claims 1-11 are neither anticipated by nor obvious over Andreozzi.

With particular reference to claim 12, the examiner has repeatedly taken the position that Andreozzi's container is "closed by a lid and the straw extends through an aperture in the lid to form a hinge." Applicant respectfully points out that the Andreozzi container is closed by a lid and the straw does extend through an aperture in the lid. However, Figure 2 of Andreozzi clearly discloses that the diameter of the flexible straw 34 is larger than the diameter of the aperture through which the drinking tube 32 extends. Thus, when the flexible straw is inserted on the drinking tube, the lid cannot be removed from the container and, obviously, neither the drinking tube 32 nor the flexible straw 34 could function as a hinge. Of course, when the flexible straw 34 is removed from the drinking tube 32, then the lid can be removed from the container, leaving no structure left to function as the hinge. Accordingly, this portion of the examiner's §102 rejection over Andreozzi is based on a clear misreading of what the reference actually teaches and Applicant respectfully requests him to withdraw it.

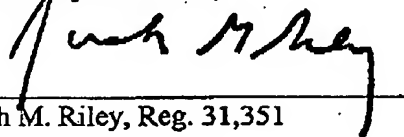
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The outstanding office action contains an additional §102(b) anticipation rejection over Lynd et al. However, the language added by amendment to claims 1, 6 and 11 patentably defines over the Lynd et al. reference for the same reasons set forth above with regard to the Andreozzi reference. Again, Lynd does not disclose any kind of a groove formed in the container wall, nor is there any teaching or suggestion in the reference of making such a modification. Accordingly, the amended claims are patentable over the Lynd et al. reference.

In summary, independent claims 1, 6 and 11 have been amended to patentably distinguish them over both the Andreozzi and Lynd et al. references. Claims 2-5 and 7-10 are ultimately dependent on, respectively, independent claims 1 and 6 and are, therefore, patentable as well. Finally, Applicant has demonstrated that claim 12 is clearly unanticipated by Andreozzi. Accordingly, all claims are now in condition for allowance and Applicant respectfully requests expeditious notice thereof.

Respectfully submitted,



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